

- III. Claims 44-59, 97-104, 106-110, drawn to a recombinant host cell suitable for degrading an oligosaccharide, classified in class 435, subclass 252.3.
- IV. Claims 60-65, 90, drawn to method of enhancing degradation of oligosaccharide, classified in class 435, subclass 262.
- V. Claims 66-74, drawn to a method of making a recombinant host cell suitable for degrading an oligosaccharide, classified in class 435, subclass 471.
- VI. Claims 75-85, drawn to a method of producing ethanol from an oligosaccharide source, classified in class 435, subclass 161.
- VII. Claims 86-88, drawn to vectors comprising a plasmid, host cell, classified in class 435, subclass 320.

Applicants are required to elect one of the above groups for prosecution on the merits. Applicants respectfully traverse the requirements for restriction and election, and submit that the requirements are improper.

First, Applicants assert that the subject matter of these groups represent different embodiments of a single inventive concept for which a single patent should issue. The pending claims represent an intricate web of knowledge, continuity of effort, and consequences of a single invention, which merit examination of all of these claims in a single application. More particularly, all the claims are linked by a single, searchable, unifying aspect; *i.e.*, endoglucanases that degrade oligosaccharides in order to produce ethanol.

Second, Applicants submit that a sufficient search and examination with respect to the subject matter of all claims can be made without serious burden. As the M.P.E.P. states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

M.P.E.P. § 803 (7th ed., Rel. 78A, March 1999).

That is, even if the above-enumerated groups of claims are drawn to distinct inventions, the Examiner must still examine the entire application on the merits because doing so will not result in a serious burden.

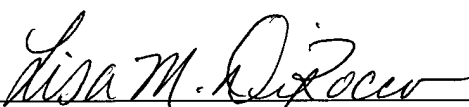
Applicants submit that the search and examination of all the claims will have substantial overlap, and no serious burden will result from searching and examining all claims in the same application. This is especially true inasmuch as Groups I through VII share the same classification, *i.e.*, class 435, and further in view of the computerized search engines and data bases available to the Examiner for conducting the examination.

Therefore, in the interest of savings of time and cost to Applicants and the Patent Office, Applicants respectfully request that all the claims be searched and examined in a single application and that Groups I through VII be rejoined into a single group. In the alternative, Applicants respectfully request that at least Groups III, V and VII be rejoined. The claims of Group V are directed to methods of making the recombinant host cells of Group III. The claims of Group VII are directed to vectors and plasmids and host cells used in the methods of Group V to make the recombinant host cells of Group III. As Groups III, V and VII all share the same classification, *i.e.*, class 435, there would be no unnecessary burden to the Examiner in examining the claims of these groups in the same application.

Nevertheless, in compliance with the directives in the Office Action and in order to expedite prosecution of the instant application, Applicants hereby elect, subject to the foregoing traverse, Group III, claims 44-59, 97-104, and 106-110.

If a telephone conversation with Applicants' attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call the undersigned attorney at (617) 227-7400.

Respectfully submitted,

  
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